

FISHMAN & CALLAHAN
354 Eisenhower Parkway
Livingston, New Jersey 07039
(201) 533-4400
Attorneys for Plaintiff(s)
Our File No. COL-2-SC

Demand: \$7,568.65
Summons: 45.00
Mileage: 3.00
Atty Fee:
Total: \$7,616.65

ATLANTIC ELEVATOR CO., INC.

Plaintiff(s)

-VS-

ASPIRA OF N.J. ENDOWMENT
FOUNDATION, XYZ COMPANY

Defendant(s)

SUPERIOR COURT OF NEW JERSEY
LAW DIVISION: ESSEX COUNTY
SPECIAL CIVIL PART

Docket No.

CIVIL ACTION

SUMMONS

The State of New Jersey, to the Above Named Defendant: Aspira of N.J. Endowment Foundation, 390 Broad Street, Newark, New Jersey.

DEFENDANT, YOU ARE HEREBY SUMMONED to answer the civil complaint of the plaintiff in the Special Civil Part in Essex County. If you dispute this complaint, you are required to file with the Court located at the 470 Dr. Martin Luther King, Jr. Blvd in Newark, New Jersey and serve upon the attorney(s) for the plaintiff(s), whose name and address appear above, a written answer to the attached complaint within **20 DAYS** from the date served indicated below. If you fail to answer the complaint, a judgment may be entered against you for the relief demanded, plus interest and costs of suit. A form of answer is available from the Clerk's Office for your use.

If you do not have any attorney, you may call: (201) 622-6207 for the County Lawyer Referral Service.

Si usted no tiene abogado, puede llamar a: (201) 622-6207 por la Asociacion de abogados del Condado.

If you cannot afford an attorney, you may call the following: (201) 622-1513 for the County Legal Service.

Si usted no puede pagar un abogado, usted puede llamar a Servicios Legales Tel. (201) 622-1513.

Kathleen Panico

Clerk of the Superior Court

Date Served: _____

KATHLEEN PANICO,
ASST. CIVIL DIV. MANAGER/SCD

COURT OFFICER'S RETURN OF SERVICE (Official Use Only)

Docket No. _____ DATE _____ TIME _____

WM	WF	BM	BF	OTHER
HEIGHT	WEIGHT	AGE	HAIR	
MUSTACHE	BEARD	GLASSES		
NAME	RELATIONSHIP			
DESCRIPTION OF PREMISES _____				

I hereby certify the above return to be true and accurate

Court Officer

CERTIFICATION OF MAILING

I, _____ (Employee name) (Print or Type) hereby
certify that on _____ (Date), I mailed a copy of the within summons
and complaint by regular and certified mail-return receipt requested.

Employee Signature

Our File No.: COL-2-SC
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COMPLAINT
(NONPAYMENT ON CONTRACT)

I. Plaintiff, Atlantic Elevator Co., Inc. doing business in the State of New Jersey, by way of Complaint against defendants, says:

FIRST COUNT

1. There is due to the plaintiff from the defendants the sum of \$7,568.65, for maintenance service provided to the elevators at the defendants premises located at 390 Broad Street in Newark, New Jersey. (See invoices attached to Complaint as Exhibit A). Payment has been demanded and has not been made.

WHEREFORE, plaintiff demands judgment upon the First Count against the defendants in the sum of \$7,568.65, together with lawful interest and cost of suit.

SECOND COUNT

1. Plaintiff repeats and realleges the allegations of the First Count as if set forth at length herein.

2. The plaintiff sues the defendants for services contracted and provided by the plaintiff to the defendants premises, upon the promise by the defendants to pay the agreed amount per month as set forth in the contract. (See contract attached to Complaint as Exhibit B). Payment has been demanded and has not been made.

WHEREFORE, plaintiff demands judgment upon the First and Second Counts against the defendants in the sum of \$7,568.65, together with lawful interest and cost of suit.

THIRD COUNT

1. Plaintiff repeats and realleges the allegations of the First and Second Counts as if set forth at length herein.

2. XYZ Company is the fictitious name of a real corporation, partnership, business entity, or individual that contracted for maintenance service to the elevators at 340 Broad Street in Newark, New Jersey.

3. Plaintiff sues XYZ Company for services contracted and provided to its premises upon the promise by XYZ company to pay the agreed amount of monthly service. Payment has been demanded and has not been made.

WHEREFORE, plaintiff demands judgment against XYZ Company in the sum of \$7,568.65, together with lawful interest and costs of suit.

FOURTH COUNT

1. Plaintiff repeats and realleges the allegations of the First, Second and Third Counts as if set forth at length herein.

2. The defendants, being indebted to the plaintiff in the sum of \$7,568.65 upon an account set up between them, the defendants promised to pay the plaintiff said sum upon demand. Payment has been demanded and has not been made.

WHEREFORE, plaintiff demands judgment upon the First, Second, Third and Fourth Counts against the defendant, in the sum of \$7,568.65, together with lawful interest and costs of suit.

DESIGNATION OF TRIAL COUNSEL

Pursuant to R. 4:25-4, Stanley P. Fishman is hereby designated as trial counsel.

CERTIFICATION PURSUANT TO R. 4:5-1

It is hereby certified pursuant to R. 4:5-1 as follows:

The matter in controversy is not the subject of any other action pending in any Court or of a pending arbitration proceeding and no such other action or arbitration proceeding is contemplated.

This party knows at this time of no other parties that should be joined in this action.

FISHMAN & CALLAHAN, P.C.
Attorneys for Plaintiffs

By: _____
STANLEY P. FISHMAN

Dated: March 3, 1997